

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TAMMIE POLK,

Plaintiff

v.

FAMILY DOLLAR, INC.,

Defendant.

§
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§
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§
§
§
§
§
§

CIVIL ACTION NO. _____
JURY DEMANDED

LOCAL RULE 81 INDEX OF EXHIBITS TO
DEFENDANT FAMILY DOLLAR, INC.'S NOTICE OF REMOVAL

Pursuant to Local Rule Cv-81 of the Eastern District of Texas, Defendant FAMILY DOLLAR, INC. hereby attaches this Index of Exhibits to its Notice of Removal as follows:

Exhibit 1: **ALL EXECUTED PROCESS**

- *Civil Case Information Sheet*
- *Citation and Affidavit of Service for Family Dollar, Inc.*

Exhibit 2: **ALL STATE COURT PLEADINGS**

- *Plaintiff's Original Petition filed November 27, 2017.*
- *Defendant Family Dollar, Inc.'s Original Answer filed January 2, 2018.*

Exhibit 3: State Court Docket Sheet.

Exhibit 4: A list of all counsel of record, including addressed telephone numbers and parties represented.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: s/ Kevin P. Riley

Kevin P. Riley
Attorney-in-Charge
Southern Bar No. 13766
State Bar No. 16929100
E-Mail: kriley@krcl.com
Andrew J. Mihalick
Southern Bar No. 595221
State Bar No. 24046439
E-Mail: amihalick@krcl.com
5051 Westheimer Road, 10th Floor
Houston, Texas 77056
713.425.7400

-and-

Zach T. Mayer
Southern Bar No. 604832
State Bar No. 24013118
E-Mail: zmayer@krcl.com
Robin R. Gant
Southern Bar No. 2364643
State Bar No. 24069754
E-Mail: rgant@krcl.com
1601 Elm Street, Suite 3700
Dallas, Texas 75201
214.777.4200

**ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR, INC.**

CERTIFICATE OF SERVICE

This is to certify that on this the 2nd day of January, 2018, a true and correct copy of the foregoing instrument was being served on all counsel of record, as follows:

Jonathan C. Juhan
E-mail: jonathanjuhan@sbcglobal.net

J.J. Bragg
E-mail: jjbragglaw@att.net
985 I-10 North, Ste 100
Beaumont, Texas 77706
(409) 924-8880 (Fax)

- ☐ E-Mail
- ☐ HAND DELIVERY
- ☐ FACSIMILE
- ☐ OVERNIGHT MAIL
- ☐ REGULAR, FIRST CLASS MAIL
- ☒ ECM
- ☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

s/ Kevin P. Riley
Kevin P. Riley

EXHIBIT 1

CIVIL CASE INFORMATION SHEET

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
11/27/2017 3:34 PM
JAMIE SMITH
DISTRICT CLERK
E-200982

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED

Tammie Polk v. Family Dollar, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

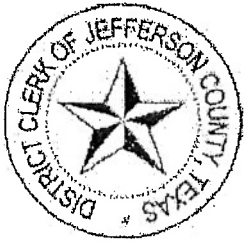
1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name:	Email:	Plaintiff(s)/Petitioner(s):		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:	
Jonathan C. Juhan	jonathanjuhan@sbcglobal.net	Tammie Polk			
Address:	Telephone:	Defendant(s)/Respondent(s):		Additional Parties in Child Support Case:	
985 I-10 North, Suite 100	409/832-8877	Family Dollar, Inc.		Custodial Parent:	
City/State/Zip:	Fax:			Non-Custodial Parent:	
Beaumont, Texas 77706	409/924-8880			Presumed Father:	
Signature:	State Bar No:				
	11047225				
[Attach additional page as necessary to list all parties]					
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetrate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Torts Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
Less than \$100,000 and not a family law case <input checked="" type="checkbox"/> \$100,000 but not more than \$200,000 <input type="checkbox"/> \$200,000 but not more than \$1,000,000 <input type="checkbox"/> More than \$1,000,000					



JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 1 of 1

Rev 2/13



I CERTIFY THIS IS A TRUE COPY
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JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith

Certified Document Number: 1867587 Total Pages: 1

In accordance with Texas Government Code 51.301 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail districtclerk@co.jefferson.tx.us



CITATION

THE STATE OF TEXAS

No. E-0200982

TAMMIE POLK
VS. FAMILY DOLLAR INC

CITATION

172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: FAMILY DOLLAR INC
BY SERVING ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY

by serving at:
211 E 7TH STREET
SUITE 620
AUSTIN, TX 78701

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 27th day of November, 2017. It bears cause number E-0200982 and is styled:

Plaintiff:

TAMMIE POLK
VS.
FAMILY DOLLAR INC

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

JUHAN, JONATHAN, Atty.
985 I-10 NORTH SUITE 100
BEAUMONT, TX 77706 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ALSO ATTACHED LETTER DESIGNATING ALL CASES EFILE accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 28th day of November, 2017.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Valencia Simpson

BY

Deputy

Valencia



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2

RETURN OF SERVICE

E-0200982

172nd JUDICIAL DISTRICT COURT

TAMMIE POLK

FAMILY DOLLAR INC

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of _____, 20____.

_____, Officer
 _____, County, Texas
 By: _____, Deputy

ADDRESS FOR SERVICE:

FAMILY DOLLAR INC

BY SERVING ITS REGISTERED AGENT

AUSTIN, TX 78701 0000

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer
 _____, County, Texas

By: _____, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
 (First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

Declarant/Authorized Process Server

(Id # expiration of certification)



I CERTIFY THIS IS A TRUE COPY
 Witness my Hand and Seal of Office

January 02, 2018

JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS

Jamie Smith
 Page 2 of 2



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JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith

Certified Document Number: 1867671 Total Pages: 2

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FILED

DISTRICT CLERK OF
JEFFERSON COUNTY, TEXAS
12/7/2017 9:23 AM
JAMIE SMITH
DISTRICT CLERK
E-200982

CITATION

THE STATE OF TEXAS

No. E-0200982

TAMMIE POLK
VS. FAMILY DOLLAR INC

CITATION

172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS

To: FAMILY DOLLAR INC
BY SERVING ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY

by serving at:
211 E 7TH STREET
SUITE 620
AUSTIN, TX 78701

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 27th day of November, 2017. It bears cause number E-0200982 and is styled:

TAMMIE POLK
VS.
FAMILY DOLLAR INC

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

JUHAN, JONATHAN, Atty.
985 I-10 NORTH SUITE 100
BEAUMONT, TX 77706-0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ALSO ATTACHED LETTER DESIGNATING ALL CASES EFILE accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 28th day of November, 2017.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

BY

Valencia Simpson

Deputy

Valencia



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office
AFFIDAVIT ATTACHED
January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 3

CAUSE NO. E-0200982

TAMMIE POLK	§	IN THE COURT OF
	§	
Plaintiff,	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
FAMILY DOLLAR INC	§	
Defendant.	§	172ND JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE - CERTIFIED MAIL

On this day personally appeared Jerrie Meza who, being by me duly sworn, deposed and said:

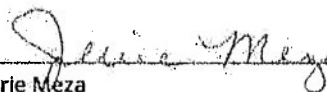
"The following came to hand on Nov 30, 2017, 8:45 am,

CITATION, PLAINTIFF'S ORIGINAL PETITION, AND LETTER DESIGNATING ALL CASES EFILE,

and was executed on Thu, Nov 30 2017 by mailing to FAMILY DOLLAR INC C/O CORPORATION SERVICE COMPANY at 211 E 7TH STREET SUITE 620, AUSTIN, TX 78701, by Certified Mail, Return Receipt Requested, Receipt No. 9414711899560840766922, a true copy of this citation.

PS Form 3811 was returned on 12/06/2017 having been signed on 12/04/2017 and is attached hereto.

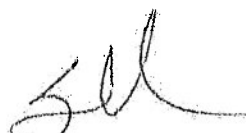
I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."



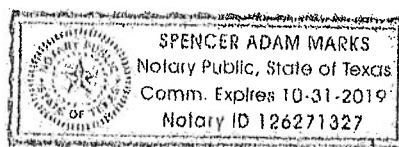
Jerrie Meza
SCH11322 EXP: 01/31/2018

BEFORE ME, a Notary Public, on this day personally appeared Jerrie Meza, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 12/07/2017



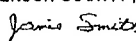
Notary Public, State of Texas



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January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

 Page 2 of 3

12/7/2017

USPS.com® - USPS Tracking® Results

USPS Tracking®FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 9414711899560840766922

Remove X

Expected Delivery on

MONDAY**4** DECEMBER
2017 ⓘ by
8:00pm ⓘ **Delivered**December 4, 2017 at 8:49 am
DELIVERED
AUSTIN, TX 78744

Get Updates ▾

Text & Email

ZAKON, LLC
148 S Dowlen #668
Beaumont, TX 77707

PS Form 3800, 5/12

CERTIFIED MAIL9414 7118 9956 0840 7669 22
12/6/17

RETURN RECEIPT REQUESTED

Article Addressed To:

Family Dollar Inc.
C/O Corporation Service Company
211 E 7th St Ste 620
Austin TX 78701-3218

Tracking History

December 4, 2017

Delivered

AUSTIN, TX 78744

Your item was

December 4, 2017

Arrived at Unit

AUSTIN, TX 78744

COMPLETE THIS SECTION ON DELIVERY	
A. Signature: (If Addressee or Agent)	
B. Received By: (Print Name Clearly)	
C. Date of Delivery	DEC 04 2017
D. Addressee's Address (If Different From Address Used by Sender)	
Secondary Address / Suite / Apt / Floor (Please Print Clearly)	
Delivery Address	
City	State ZIP + 4 Code

I CERTIFY THIS IS A TRUE COPY
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January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tlc=2&txt128777=&tlLabels=9414711899560840766922%2C>

Page 3 of 3





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JEFFERSON COUNTY, TEXAS

Jamie Smith

Certified Document Number: 1870952 Total Pages: 3

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FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
11/27/2017 3:34 PM
JAMIE SMITH
DISTRICT CLERK
E-200982



JAMIE SMITH
JEFFERSON COUNTY DISTRICT CLERK
1085 PEARL STREET, ROOM 203, BEAUMONT, TX 77701

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:
Cause No. _____ Date November 27, 2017

Style:

Tammie Polk

VS

Family Dollar, Inc.

Section 2:

Check Process Type:

☒ Citation ☐ Precept to Serve / Notice of Hearing/Notice to Show Cause

☐ Temporary Restraining Order

☐ Application for Protective Order / Temporary (Ex Parte) Protective Order

☐ Notice of Registration of Foreign Judgment ☐ Citation by Posting

☐ Writ of _____ ☐ Other _____

☐ Citation by Publication*- Newspaper: _____

☐ Check box if you would like the District Clerk's Office to make copies for your service. (\$1.00 per page per pleading for copies for service)

Section 3:

Title of Document/Pleading to be attached for service: _____

Plaintiff's Original Petition

Note: You must furnish one copy of the document/pleading for each party served.

Section 4: PARTIES TO BE SERVED (Please type or print):

1. Name: Family Dollar, Inc. (upon registered agent: Corporation Service Company)

Address: 211 East 7th Street, Ste. 620

City: Austin State: Texas Zip: 78701

2. Name: _____

Address: _____

City: _____ State: _____ Zip: _____



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January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2

3. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

4. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

5. Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Section 5

Check Service Type:

- | | |
|---|--|
| <input type="checkbox"/> No Service | <input type="checkbox"/> Secretary of State |
| <input type="checkbox"/> Sheriff | <input type="checkbox"/> Commissioner of Insurance |
| <input type="checkbox"/> Constable Pct. | <input type="checkbox"/> Out of County |
| <input type="checkbox"/> Out of State | <input checked="" type="checkbox"/> Private Process <input type="checkbox"/> Other |
| <input type="checkbox"/> Certified Mail | |

Section 6 (ONLY if Section 7 does not apply)

Attorney Name: Jonathan C. Juhan

Address: 985 I-10 North, Suite 100

Beaumont Texas 77706
City State Zip

Attorney's Telephone No. 409/832-8877 **Attorney's Bar No.** 11047225

Section 7 (ONLY if Section 6 does not apply)

Pro-Se Name: _____

Address: _____

City State Zip

Telephone No. _____

Section 8

Check Delivery Type:

- ☒ Hold for pick up ☐ Mail to Attorney

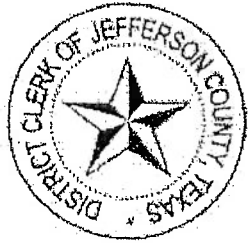


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January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 2 of 2



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JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith

Certified Document Number: 1867588 Total Pages: 2

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EXHIBIT 2

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
11/27/2017 3:34 PM
JAMIE SMITH
DISTRICT CLERK
E-200982

No. _____

TAMMIE POLK	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
FAMILY DOLLAR INC.	§	
Defendant,	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE,
AND RULE 193.7 NOTICE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW TAMMIE POLK, hereinafter styled Plaintiff, complaining of
FAMILY DOLLAR INC., hereinafter styled Defendant, and for cause of action against said
Defendant would respectfully show the Court as follows:

I.

Plaintiff designates that discovery in this cause of action shall be governed by Rule 190.3
discovery control plan (level 2) of the Texas Rules of Civil Procedure.

II.

Pursuant to Rule 47, Plaintiff TAMMIE POLK, seeks monetary relief in an amount over
\$100,000 but not more than \$200,000.

III.

Plaintiff resides in Beaumont, Jefferson County, Texas. Pursuant to CPRC §30.014(2),
the last three numbers of Plaintiff's social security number are 546.

IV.

Defendant, FAMILY DOLLAR INC., is a corporation, company, partnership,

1



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January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 5

proprietorship or some such business entity. That said Defendant does business in the State of Texas and from time to time within the jurisdiction of this Honorable Court; that said Defendant may be served with process by serving its agent for service, Corporation Service Company, at 211 East 7th Street, Ste. 620, Austin, Texas 78701.

SERVICE IS REQUESTED AT THIS TIME.

Plaintiff invokes Rule 28 of the Texas Rules of Civil Procedure, as appropriate.

V.

On or about December 28, 2015, in Beaumont, Jefferson County, Texas, Plaintiff, TAMMIE POLK was a customer at Defendant, FAMILY DOLLAR INC., located at 1519 Magnolia Avenue, when she slipped and fell due to a box(es) which were in the aisle. There were no warning signs in or around the area. The incident resulted in the serious injuries and damages complained of herein.

VI.

On the occasion in question the Defendant was guilty of various acts, wrongs and omissions. Each and all constituted negligence and such negligence was a proximate cause of the injuries and damages of which Plaintiff complains.

In the alternative, Plaintiff would show that the Defendant owed a duty to the general public, including Plaintiff TAMMIE POLK, to use ordinary care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions on the premises or to warn of their existence.

Plaintiff was an invitee at the time of the injury, therefore the Defendant owed her a duty to exercise ordinary care to keep the premises in a reasonably safe condition, inspect the premises



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Witness my Hand and Seal of Office

January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 2 of 5

to discover latent defects, and to make safe any defects or give an adequate warning of any dangers. Defendant's conduct and that of their agents, servants and employees, acting within the scope of their employment, constituted a breach of the duty of ordinary care owed by Defendant to Plaintiff. Defendant knew or should have known the conditions in its retail area created an unreasonable risk of harm to invitees, in that the Defendant knew or should have known of the danger of customers falling due to the dangerous condition described above. Defendant knew this condition caused an unreasonable risk of harm to persons such as the Plaintiff who would be frequenting their retail establishment. Defendant failed to exercise ordinary care to reduce or eliminate this risk, or warn invitees, such as Plaintiff, regarding the dangerous condition. Each of these acts and omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages as described below.

VII.

As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, TAMMIE POLK has suffered with severe and debilitating pain and injury to her left hip, thigh, knee, and ankle, with soreness to the body in general. That because of such injuries she has suffered the following:

1. Reasonable and necessary medical expenses - past
2. Reasonable and necessary medical expenses - future
3. Loss of earnings and earning capacity - past
4. Loss of earnings and earning capacity - future
5. Physical impairment - past
6. Physical impairment - future



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January 02, 2018

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 3 of 5

7. Physical pain - past
8. Physical pain - future
9. Mental anguish - past
10. Mental anguish - future
11. Disfigurement - past
12. Disfigurement - future

In this connection, Plaintiff would show the Court that the damages sought are within the jurisdictional limits of this Honorable Court, for which she sues the Defendant herein.

VIII.

Under Texas Rule of Civil Procedure 194, Plaintiff requests that each Defendant disclose, within 50 days of service of this request, the information or material described in Rule 194.2 (a) through (l).

IX.

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendant that any and all documents produced by Defendant may be used against Defendant at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

X.

Plaintiff, TAMMIE POLK says that if in the event she had pre-existing conditions in her body prior to this incident that such conditions were painless and symptom-free, but because of the injuries she suffered in this incident, such conditions were lighted up, aggravated and precipitated.



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WHEREFORE, premises considered, Plaintiff prays that the Defendant be cited to appear and answer herein; that upon a trial of this cause that Plaintiff has and recovers of and from the Defendant judgment for the damages as may be deemed just and fair by the Court; that she has such judgment, together with all legal interest, including pre-judgment interest, costs of suit and for other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

BY: /s/JONATHAN C. JUHAN
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Jamie Smith

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CAUSE NO. E-200982

TAMMIE POLK,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	JEFFERSON COUNTY, TEXAS
	§	
FAMILY DOLLAR, INC.	§	
	§	
<i>Defendants.</i>	§	172 ND JUDICIAL DISTRICT
	§	

DEFENDANT FAMILY DOLLAR, INC.'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION

Defendant FAMILY DOLLAR, INC., (hereinafter referred to as "Defendant") files its Original Answer as follows:

GENERAL DENIAL

Defendant denies each and every, all and singular, of the material allegations contained within Plaintiff's pleadings and demand strict proof thereof.

JURY DEMAND

In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants demand a trial by jury.

PRAYER

Defendant FAMILY DOLLAR, INC., prays that PLAINTIFF, TAMMIE POLK, take nothing by this lawsuit, that Defendant goes hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to

which Defendant may show itself justly entitled.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN P.C.

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Houston, Texas 77056
713.425.7400 / Fax 713.425.7700

By: /s/ Kevin P. Riley
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**ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR, INC.**

CERTIFICATE OF SERVICE

This is to certify that on the 2nd day of January, 2018, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Jonathan C. Juhan
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(409) 924-8880 (Fax)

Attorneys for Plaintiff

☐ E-MAIL
☐ HAND DELIVERY
☐ FACSIMILE
☐ OVERNIGHT MAIL
☐ REGULAR, FIRST CLASS MAIL
☒ ECM
☐ CERTIFIED MAIL/RETURN RECEIPT
REQUESTED

/s/ Kevin P. Riley

Kevin P. Riley

EXHIBIT 3

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TAMMIE POLK,

Plaintiff

v.

FAMILY DOLLAR, INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. _____
JURY DEMANDED

DEFENDANT FAMILY DOLLAR, INC.'S
LIST OF ALL COUNSEL OF RECORD

Defendant, FAMILY DOLLAR, INC.'S ("Defendant"), files this List of Counsel pursuant to LR 81 as follows:

A list of all counsel of record, including addresses, telephone numbers and parties represented.

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Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: s/ Kevin P. Riley

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214.777.4200

**ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR, INC.**

CERTIFICATE OF SERVICE

This is to certify that on this the 2nd day of January, 2018, a true and correct copy of the foregoing instrument was being served on all counsel of record, as follows:

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E-mail: jonathanjuhan@sbcglobal.net

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s/ Kevin P. Riley
Kevin P. Riley